

HOUSE SUBSTITUTE

FOR

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FOR

SENATE BILLS NOS. 923, 828, 876, 694 & 736

1 AN ACT

2 To repeal sections 28.160, 135.327, 191.925,  
3 192.016, 210.001, 210.145, 210.201, 210.906,  
4 211.031, 211.181, 294.011, 294.024, 294.030,  
5 294.043, 294.060, 294.090, 294.121, 294.141,  
6 452.402, 453.030, 454.606, 454.609, 454.615,  
7 454.618, 454.627, and 454.700, RSMo, and to  
8 enact in lieu thereof twenty-eight new  
9 sections relating to children and families,  
10 with penalty provisions.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
12 AS FOLLOWS:

13 Section A. Sections 28.160, 135.327, 191.925, 192.016,  
14 210.001, 210.145, 210.201, 210.906, 211.031, 211.181, 294.011,  
15 294.024, 294.030, 294.043, 294.060, 294.090, 294.121, 294.141,  
16 452.402, 453.030, 454.606, 454.609, 454.615, 454.618, 454.627,  
17 and 454.700, RSMo, are repealed and twenty-eight new sections  
18 enacted in lieu thereof, to be known as sections 28.160, 135.327,  
19 191.925, 192.016, 210.001, 210.145, 210.201, 210.566, 210.906,  
20 210.1007, 211.031, 211.181, 294.011, 294.024, 294.030, 294.043,

294.060, 294.090, 294.121, 294.141, 452.402, 453.030, 454.606,  
454.609, 454.615, 454.618, 454.627, and 454.700, to read as  
follows:

28.160. 1. The state shall be entitled to fees for  
services to be rendered by the secretary of state as follows:

For issuing commission to notary public	\$15.00
For countersigning and sealing certificates of official character	10.00
For all other certificates	5.00
For copying archive and state library records, papers or documents, for each page 8 ½ x 14 inches and smaller, not more than	.10
For duplicating microfilm, for each roll	15.00
For copying all other records, papers or documents, for each page 8 ½ x 14 inches and smaller, not more than[.]	.10
For certifying copies of records and papers or documents	5.00
For causing service of process to be made	10.00
For electronic telephone transmittal, per page	2.00

2. There is hereby established the "Secretary of State's  
Technology Trust Fund Account" which shall be administered by the  
state treasurer. All yield, interest, income, increment, or gain  
received from time deposit of moneys in the state treasury to the

1 credit of the secretary of state's technology trust fund account  
2 shall be credited by the state treasurer to the account. The  
3 provisions of section 33.080, RSMo, to the contrary  
4 notwithstanding, moneys in the fund shall not be transferred and  
5 placed to the credit of general revenue until the amount in the  
6 fund at the end of a biennium exceeds five million dollars. In  
7 any such biennium the amount in the fund in excess of five  
8 million dollars shall be transferred to general revenue.

9 3. The secretary of state may collect an additional fee  
10 often dollars for the issuance of new and renewal notary  
11 commissions which shall be deposited in the state treasury and  
12 credited to the secretary of state's technology trust fund  
13 account.

14 4. The secretary of state may ask the general assembly to  
15 appropriate funds from the technology trust fund for the purposes  
16 of establishing, procuring, developing, modernizing and  
17 maintaining:

18 (1) An electronic data processing system and programs  
19 capable of maintaining a centralized database of all registered  
20 voters in the state;

21 (2) Library services offered to the citizens of this state;

22 (3) Administrative rules services, equipment and functions;

23 (4) Services, equipment and functions relating to  
24 securities;

1           (5) Services, equipment and functions relating to  
2 corporations and business organizations;

3           (6) Services, equipment and functions relating to the  
4 Uniform Commercial Code;

5           (7) Services, equipment and functions relating to archives;  
6 and

7           (8) Services, equipment and functions relating to record  
8 services.

9           5. Notwithstanding any provision of this section to the  
10 contrary, the secretary of state shall not collect fees, for  
11 processing apostilles, certifications and authentications prior  
12 to the placement of a child for adoption, in excess of one  
13 hundred dollars per child per adoption, or per multiple children  
14 to be adopted at the same time.

15           135.327. 1. Any person residing in this state who legally  
16 adopts a special needs child on or after January 1, 1988, and  
17 before January 1, 2000, shall be eligible to receive a tax credit  
18 of up to ten thousand dollars for nonrecurring adoption expenses  
19 for each child adopted that may be applied to taxes due under  
20 chapter 143, RSMo. Any business entity providing funds to an  
21 employee to enable that employee to legally adopt a special needs  
22 child shall be eligible to receive a tax credit of up to ten  
23 thousand dollars for nonrecurring adoption expenses for each  
24 child adopted that may be applied to taxes due under such

1 business entity's state tax liability, except that only one ten  
2 thousand dollar credit is available for each special needs child  
3 that is adopted.

4 2. Any person residing in this state who proceeds in good  
5 faith with the adoption of a special needs child on or after  
6 January 1, 2000, shall be eligible to receive a tax credit of up  
7 to ten thousand dollars for nonrecurring adoption expenses for  
8 each child that may be applied to taxes due under chapter 143,  
9 RSMo. Any business entity providing funds to an employee to  
10 enable that employee to proceed in good faith with the adoption  
11 of a special needs child shall be eligible to receive a tax  
12 credit of up to ten thousand dollars for nonrecurring adoption  
13 expenses for each child that may be applied to taxes due under  
14 such business entity's state tax liability, except that only one  
15 ten thousand dollar credit is available for each special needs  
16 child that is adopted.

17 3. Individuals and business entities may claim a tax credit  
18 for their total nonrecurring adoption expenses in each year that  
19 the expenses are incurred. A claim for fifty percent of the  
20 credit shall be allowed when the child is placed in the home. A  
21 claim for the remaining fifty percent shall be allowed when the  
22 adoption is final. The total of these tax credits shall not  
23 exceed the maximum limit of ten thousand dollars per child. The  
24 cumulative amount of tax credits which may be claimed by

1 taxpayers for nonrecurring adoption expenses in any one fiscal  
2 year shall not exceed two million dollars.

3 4. Notwithstanding any provision of law to the contrary,  
4 any individual or business entity may assign, transfer or sell  
5 tax credits allowed in this section. Any sale of tax credits  
6 claimed pursuant to this section [to a for-profit entity] shall  
7 be at a discount rate of seventy-five percent or greater of the  
8 amount sold.

9 191.925. 1. Effective January 1, 2002, every infant born  
10 in this state shall be screened for hearing loss in accordance  
11 with the provisions of sections [191.225] 191.925 to 191.937 and  
12 section 376.685, RSMo.

13 2. The screening procedure shall include the use of at  
14 least one of the following physiological technologies:

15 (1) Automated or diagnostic auditory brainstem response  
16 (ABR);

17 (2) Otoacoustic emissions (OAE); or

18 (3) Other technologies approved by the department of health  
19 and senior services.

20 3. Every newborn delivered on or after January 1, 2002, in  
21 an ambulatory surgical center or hospital shall be screened for  
22 hearing loss prior to discharge of the infant from the facility.  
23 Any facility that transfers a newborn for further acute care  
24 prior to completion of the newborn hearing screening shall notify

1     the receiving facility of the status of the newborn hearing  
2     screening. The receiving facility shall be responsible for the  
3     completion of the newborn hearing screening. Such facilities  
4     shall report the screening results on all newborns to the parents  
5     or guardian of the newborn, and the department of health and  
6     senior services in a manner prescribed by the department.

7             4. If a newborn is delivered in a place other than the  
8     facilities listed in subsection 3 of this section, the physician  
9     or person who professionally undertakes the pediatric care of the  
10    infant shall ensure that the newborn hearing screening is  
11    performed within three months of the date of the infant's birth.  
12    Such physicians and persons shall report the screening results on  
13    all newborns to the parents or guardian of the newborn, and the  
14    department of health and senior services in a manner prescribed  
15    by the department.

16            5. The provisions of this section shall not apply if the  
17    parents of the newborn or infant object to such testing on the  
18    grounds that such tests conflict with their religious tenets and  
19    practices.

20            6. As provided in subsection 5 of this section, the parent  
21    of any child who fails to have the hearing screening test  
22    administered after notice of the requirement for such test shall  
23    have such refusal documented in writing. Such physicians,  
24    persons or administrators shall obtain the written refusal and

1 make such refusal part of the medical record of the infant, and  
2 shall report such refusal to the department of health and senior  
3 services in a manner prescribed by the department.

4 7. The physician or person who professionally undertakes  
5 the pediatric care of the newborn, and administrators of  
6 ambulatory surgical centers or hospitals shall provide to the  
7 parents or guardians of newborns a written packet of educational  
8 information developed and supplied by the department of health  
9 and senior services describing the screening, how it is  
10 conducted, the nature of the hearing loss, and the possible  
11 consequences of treatment and nontreatment for hearing loss prior  
12 to administering the screening.

13 8. All facilities or persons described in subsections 3 and  
14 4 of this section who voluntarily provide hearing screening to  
15 newborns prior to January 1, 2002, shall report such screening  
16 results to the department of health in a manner prescribed by the  
17 department.

18 9. All facilities or persons described in subsections 3 and  
19 4 of this section shall provide the parents or guardians of  
20 newborns who fail the hearing screening with educational  
21 materials that:

22 (1) Communicate the importance of obtaining further hearing  
23 screening or diagnostic audiological assessment to confirm or  
24 rule out hearing loss;



1           (2) Identify community resources available to provide  
2       rescreening and diagnostic audiological assessments; and

3           (3) Provide other information as prescribed by the  
4       department of health and senior services.

5           10. Any person who acts in good faith in complying with the  
6       provisions of this section by reporting the newborn hearing  
7       screening results to the department of health and senior services  
8       shall not be civilly or criminally liable for furnishing the  
9       information required by this section.

10          11. The department of health and senior services shall  
11       provide audiological and administrative technical support to  
12       facilities and persons implementing the requirements of this  
13       section, including, but not limited to, assistance in:

14           (1) Selecting state-of-the-art newborn hearing screening  
15       equipment;

16           (2) Developing and implementing newborn hearing screening  
17       procedures that result in appropriate failure rates;

18           (3) Developing and implementing training for individuals  
19       administering screening procedures;

20           (4) Developing and distributing educational materials for  
21       families;

22           (5) Identifying community resources for delivery of  
23       rescreening and pediatric audiological assessment services; and

24           (6) Implementing reporting requirements.

1 Such audiological technical support shall be provided by  
2 individuals qualified to administer newborn and infant hearing  
3 screening, rescreening and diagnostic audiological assessment.

4 192.016. 1. The department of health and senior services  
5 shall establish a putative father registry which shall record the  
6 names and addresses of:

7 (1) Any person adjudicated by a court of this state to be  
8 the father of a child born out of wedlock;

9 (2) Any person who has filed with the registry before or  
10 after the birth of a child out of wedlock, a notice of intent to  
11 claim paternity of the child;

12 (3) Any person adjudicated by a court of another state or  
13 territory of the United States to be the father of an  
14 out-of-wedlock child, where a certified copy of the court order  
15 has been filed with the registry by such person or any other  
16 person.

17 2. A person filing a notice of intent to claim paternity of  
18 a child or an acknowledgment of paternity shall file the  
19 acknowledgment affidavit form developed by the state registrar  
20 which shall include the minimum requirements prescribed by the  
21 Secretary of the United States Department of Health and Human  
22 Services pursuant to 42 U.S.C. Section [652(2)(7)] 652 (a)(7).

23 3. A person filing a notice of intent to claim paternity of  
24 a child shall notify the registry of any change of address.

1           4. A person who has filed a notice of intent to claim  
2           paternity may at any time revoke a notice of intent to claim  
3           paternity previously filed therewith and, upon receipt of such  
4           notification by the registry, the revoked notice of intent to  
5           claim paternity shall be deemed a nullity nunc pro tunc.

6           5. An unrevoked notice of intent to claim paternity of a  
7           child may be introduced in evidence by any party, other than the  
8           person who filed such notice, in any proceeding in which such  
9           fact may be relevant.

10          6. The department shall, upon request and within two  
11          business days of such request, provide the names and addresses of  
12          persons listed with the registry to any court or authorized  
13          agency, or entity or person named in section 453.014, RSMo, and  
14          such information shall not be divulged to any other person,  
15          except upon order of a court for good cause shown.

16          7. The department of health and senior services shall:

17               (1) Prepare forms for registration of paternity and an  
18               application for search of the putative father registry;

19               (2) Produce and distribute a pamphlet or publication  
20               informing the public about the putative father registry,  
21               including the procedures for voluntary acknowledgment of  
22               paternity, the consequences of acknowledgment and failure to  
23               acknowledge paternity pursuant to section 453.010, RSMo, and the  
24               address of the putative father registry. Such pamphlet or

1 publication shall be made available for distribution at all  
2 offices of the department of health and senior services. The  
3 department shall also provide such pamphlets or publications to  
4 the department of social services, hospitals, libraries, medical  
5 clinics, schools, universities, and other providers of  
6 child-related services upon request;

7 (3) Provide information to the public at large by way of  
8 general public service announcements, or other ways to deliver  
9 information to the public about the putative father registry and  
10 its services.

11 210.001. 1. The department of social services shall  
12 address the needs of homeless, dependent and neglected children  
13 in the supervision and custody of the division of family services  
14 and to their families-in-conflict by:

15 (1) Serving children and families as a unit in the least  
16 restrictive setting available and in close proximity to the  
17 family home, consistent with the best interests and special needs  
18 of the child;

19 (2) Insuring that appropriate social services are provided  
20 to the family unit both prior to the removal of the child from  
21 the home and after family reunification;

22 (3) Developing and implementing preventive and early  
23 intervention social services which have demonstrated the ability  
24 to delay or reduce the need for out-of-home placements and

1 ameliorate problems before they become chronic.

2 2. The department of social services shall fund only  
3 regional child assessment centers known as:

4 (1) The St. Louis City child assessment center;

5 (2) The St. Louis County child assessment center;

6 (3) The Jackson County child assessment center;

7 (4) The Buchanan County child assessment center;

8 (5) The Greene County and Lakes Area child assessment  
9 center;

10 (6) The Boone County child assessment center;

11 (7) The Joplin child assessment center;

12 (8) The St. Charles County child assessment center;

13 (9) The Jefferson County child assessment center;

14 (10) The Pettis County child assessment center; [and]

15 (11) The southeast Missouri child assessment center;

16 (12) The Camden County child assessment center; and

17 (13) The Clay-Platte County child assessment center.

18 210.145. 1. The division shall establish and maintain an  
19 information system operating at all times, capable of receiving  
20 and maintaining reports. This information system shall have the  
21 ability to receive reports over a single, statewide toll-free  
22 number. Such information system shall maintain the results of  
23 all investigations, family assessments and services, and other  
24 relevant information.

1           2. Upon receipt of a report, the division shall immediately  
2 communicate such report to its appropriate local office and any  
3 relevant information as may be contained in the information  
4 system. The local division staff shall determine, through the  
5 use of protocols developed by the division, whether an  
6 investigation or the family assessment and services approach  
7 should be used to respond to the allegation. The protocols  
8 developed by the division shall give priority to ensuring the  
9 well-being and safety of the child.

10           3. The local office shall contact the appropriate law  
11 enforcement agency immediately upon receipt of a report which  
12 division personnel determine merits an investigation, or, which,  
13 if true, would constitute a suspected violation of any of the  
14 following: section 565.020, 565.021, 565.023, 565.024 or  
15 565.050, RSMo, if the victim is a child less than eighteen years  
16 of age, section 566.030 or 566.060, RSMo, if the victim is a  
17 child less than eighteen years of age, or other crime under  
18 chapter 566, RSMo, if the victim is a child less than eighteen  
19 years of age and the perpetrator is twenty-one years of age or  
20 older, section 567.050, RSMo, if the victim is a child less than  
21 eighteen years of age, section 568.020, 568.030, 568.045,  
22 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025,  
23 573.037 or 573.045, RSMo, or an attempt to commit any such  
24 crimes. The local office shall provide such agency with a

1 detailed description of the report received. In such cases the  
2 local division office shall request the assistance of the local  
3 law enforcement agency in all aspects of the investigation of the  
4 complaint. The appropriate law enforcement agency shall either  
5 assist the division in the investigation or provide the division,  
6 within twenty-four hours, an explanation in writing detailing the  
7 reasons why it is unable to assist.

8 4. The local office of the division shall cause an  
9 investigation or family assessment and services approach to be  
10 initiated immediately or no later than within twenty-four hours  
11 of receipt of the report from the division, except in cases where  
12 the sole basis for the report is educational neglect. If the  
13 report indicates that educational neglect is the only complaint  
14 and there is no suspicion of other neglect or abuse, the  
15 investigation shall be initiated within seventy-two hours of  
16 receipt of the report. If the report indicates the child is in  
17 danger of serious physical harm or threat to life, an  
18 investigation shall include direct observation of the subject  
19 child within twenty-four hours of the receipt of the report.  
20 Local law enforcement shall take all necessary steps to  
21 facilitate such direct observation. When the child is reported  
22 absent from the residence, the location and the well-being of the  
23 child shall be verified.

24 5. The director of the division shall name at least one

1 chief investigator for each local division office, who shall  
2 direct the division response on any case involving a second or  
3 subsequent incident regarding the same subject child or  
4 perpetrator. The duties of a chief investigator shall include  
5 verification of direct observation of the subject child by the  
6 division and shall ensure information regarding the status of an  
7 investigation is provided to the public school district liaison.  
8 The public school district liaison shall develop protocol in  
9 conjunction with the chief investigator to ensure information  
10 regarding an investigation is shared with appropriate school  
11 personnel. The public school district liaison shall be  
12 designated by the superintendent of each school district. Should  
13 the subject child attend a nonpublic school the chief  
14 investigator shall notify the school principal of the  
15 investigation.

16 6. The investigation shall include but not be limited to  
17 the nature, extent, and cause of the abuse or neglect; the  
18 identity and age of the person responsible for the abuse or  
19 neglect; the names and conditions of other children in the home,  
20 if any; the home environment and the relationship of the subject  
21 child to the parents or other persons responsible for the child's  
22 care; any indication of incidents of physical violence against  
23 any other household or family member; and other pertinent data.

24 7. When a report has been made by a person required to



1 report under section 210.115, the division shall contact the  
2 person who made such report within forty-eight hours of the  
3 receipt of the report in order to ensure that full information  
4 has been received and to obtain any additional information or  
5 medical records, or both, that may be pertinent.

6 8. Upon completion of the investigation, if the division  
7 suspects that the report was made maliciously or for the purpose  
8 of harassment, the division shall refer the report and any  
9 evidence of malice or harassment to the local prosecuting or  
10 circuit attorney.

11 9. Multidisciplinary teams shall be used whenever  
12 conducting the investigation as determined by the division in  
13 conjunction with local law enforcement. Multidisciplinary teams  
14 shall be used in providing protective or preventive social  
15 services, including the services of law enforcement, a liaison of  
16 the local public school, the juvenile officer, the juvenile  
17 court, and other agencies, both public and private.

18 10. If the appropriate local division personnel determine  
19 after an investigation has begun that completing an investigation  
20 is not appropriate, the division shall conduct a family  
21 assessment and services approach. The division shall provide  
22 written notification to local law enforcement prior to  
23 terminating any investigative process. The reason for the  
24 termination of the investigative process shall be documented in

1 the record of the division and the written notification submitted  
2 to local law enforcement. Such notification shall not preclude  
3 nor prevent any investigation by law enforcement.

4 11. If the appropriate local division personnel determines  
5 to use a family assessment and services approach, the division  
6 shall:

7 (1) Assess any service needs of the family. The assessment  
8 of risk and service needs shall be based on information gathered  
9 from the family and other sources;

10 (2) Provide services which are voluntary and time-limited  
11 unless it is determined by the division based on the assessment  
12 of risk that there will be a high risk of abuse or neglect if the  
13 family refuses to accept the services. The division shall  
14 identify services for families where it is determined that the  
15 child is at high risk of future abuse or neglect. The division  
16 shall thoroughly document in the record its attempt to provide  
17 voluntary services and the reasons these services are important  
18 to reduce the risk of future abuse or neglect to the child. If  
19 the family continues to refuse voluntary services or the child  
20 needs to be protected, the division may commence an  
21 investigation;

22 (3) Commence an immediate investigation if at any time  
23 during the family assessment and services approach the division  
24 determines that an investigation, as delineated in sections

1 210.109 to 210.183, is required. The division staff who have  
2 conducted the assessment may remain involved in the provision of  
3 services to the child and family;

4 (4) Document at the time the case is closed, the outcome of  
5 the family assessment and services approach, any service provided  
6 and the removal of risk to the child, if it existed.

7 12. Within thirty days of an oral report of abuse or  
8 neglect, the local office shall update the information in the  
9 information system. The information system shall contain, at a  
10 minimum, the determination made by the division as a result of  
11 the investigation, identifying information on the subjects of the  
12 report, those responsible for the care of the subject child and  
13 other relevant dispositional information. The division shall  
14 complete all investigations within thirty days, unless good cause  
15 for the failure to complete the investigation is documented in  
16 the information system. If the investigation is not completed  
17 within thirty days, the information system shall be updated at  
18 regular intervals and upon the completion of the investigation.  
19 The information in the information system shall be updated to  
20 reflect any subsequent findings, including any changes to the  
21 findings based on an administrative or judicial hearing on the  
22 matter.

23 13. A person required to report under section 210.115 to  
24 the division shall be informed by the division of his right to

1 obtain information concerning the disposition of his or her  
2 report. Such person shall receive, from the local office, if  
3 requested, information on the general disposition of his or her  
4 report. A person required to report to the division pursuant to  
5 section 210.115 may receive, if requested, findings and  
6 information concerning the case. Such release of information  
7 shall be at the discretion of the director based upon a review of  
8 the mandated reporter's ability to assist in protecting the child  
9 or the potential harm to the child or other children within the  
10 family. The local office shall respond to the request within  
11 forty-five days. The findings shall be made available to the  
12 mandated reporter within five days of the outcome of the  
13 investigation.

14 14. In any judicial proceeding involving the custody of a  
15 child the fact that a report may have been made pursuant to  
16 sections 210.109 to 210.183 shall not be admissible. However,  
17 nothing in this subsection shall prohibit the introduction of  
18 evidence from independent sources to support the allegations that  
19 may have caused a report to have been made.

20 15. In any judicial proceeding involving the custody of a  
21 child where the court determines that the child is in need of  
22 services pursuant to subdivision (d) of subsection 1 of section  
23 211.031, RSMo, and has taken jurisdiction, the child's parent,  
24 guardian or custodian shall not be entered into the registry.

1        16. The division of family services is hereby granted the  
2 authority to promulgate rules and regulations pursuant to the  
3 provisions of section 207.021, RSMo, and chapter 536, RSMo, to  
4 carry out the provisions of sections 210.109 to 210.183.

5        [16.] 17. Any rule or portion of a rule, as that term is  
6 defined in section 536.010, RSMo, that is created under the  
7 authority delegated in this section shall become effective only  
8 if it complies with and is subject to all of the provisions of  
9 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.  
10 This section and chapter 536, RSMo, are nonseverable and if any  
11 of the powers vested with the general assembly pursuant to  
12 chapter 536, RSMo, to review, to delay the effective date or to  
13 disapprove and annul a rule are subsequently held  
14 unconstitutional, then the grant of rulemaking authority and any  
15 rule proposed or adopted after August 28, 2000, shall be invalid  
16 and void.

17        210.201. As used in sections 210.201 to 210.257, the  
18 following terms mean:

19        (1) "Child", an individual who is under the age of  
20 seventeen;

21        (2) "Child care facility", a house or other place conducted  
22 or maintained by any person who advertises or holds himself out  
23 as providing care for more than four children during the daytime,  
24 for compensation or otherwise, except those operated by a school

1 system or in connection with a business establishment which  
2 provides child care as a convenience for its customers or its  
3 employees for no more than four hours per day, but a child care  
4 facility shall not include any private or religious organization  
5 elementary or secondary school, a religious organization academic  
6 preschool or kindergarten for four- and five-year-old children, a  
7 home school, as defined in section 167.031, RSMo, a weekly Sunday  
8 or Sabbath school, a vacation Bible school or child care made  
9 available while the parents or guardians are attending worship  
10 services or other meetings and activities conducted or sponsored  
11 by a religious organization;

12 (3) "Person", any person, firm, corporation, association,  
13 institution or other incorporated or unincorporated organization;

14 (4) "Religious organization", a church, synagogue or  
15 mosque; an entity that has or would qualify for federal tax  
16 exempt status as a nonprofit religious organization under section  
17 501(c) of the Internal Revenue Code; or an entity whose real  
18 estate on which the child care facility is located is exempt from  
19 taxation because it is used for religious purposes.

20 210.566. 1. The division of family services and its  
21 contractors shall treat foster parents with courtesy, respect and  
22 consideration. Foster parents shall treat the children in their  
23 care, the child's birth family and members of the child welfare  
24 team with courtesy, respect and consideration.

1        2. (1) The division of family services and its contractors  
2        shall provide foster parents with training, pre-service and in-  
3        service, and support. The division of family services and its  
4        contractors shall share all pertinent information about the child  
5        and the child's family, including but not limited to, the case  
6        plan with the foster parents to assist in determining if a child  
7        would be a proper placement. The division of family services and  
8        its contractors shall inform the foster parents of issues  
9        relative to the child that may jeopardize the health or safety of  
10       the foster family. The division of family services and its  
11       contractors shall arrange pre-placement visits, except in  
12       emergencies. The foster parents may ask questions about the  
13       child's case plan, encourage a placement or refuse a placement  
14       without reprisal from the caseworker or agency. After a  
15       placement, the division of family services shall update the  
16       foster parents as new information about the child is gathered.  
17       Foster parents shall be informed of upcoming meetings and  
18       staffings, and shall be allowed to participate, consistent with  
19       section 210.761. The division of family services shall establish  
20       reasonably accessible respite care for children in foster care  
21       for short periods of time, jointly determined by foster parents  
22       and the child's caseworker pursuant to section 210.545.

23       (2) Foster parents shall treat all information received  
24       from the division of family services about the child and the

1 child's family as confidential. Foster parents may share  
2 information they may learn about the child and the child's family  
3 with the caseworker and other members of the child welfare team.  
4 Recognizing that placement changes are difficult for children,  
5 foster parents shall seek all necessary information, and  
6 participate in pre-placement visits, before deciding whether to  
7 accept a child for placement. Foster parents shall follow all  
8 procedures defined by the division of family services for  
9 requesting and using respite care.

10 3. (1) Foster parents shall make decisions about the daily  
11 living concerns of the child, and shall be permitted to continue  
12 the practice of their own family values and routines while  
13 respecting the child's cultural heritage. All discipline shall  
14 be consistent with state laws and regulations. The division of  
15 family services shall allow foster parents to help plan  
16 visitation between the child and the child's biological family.

17 (2) Foster parents shall provide care that is respectful of  
18 the child's cultural identity and needs. Foster parents shall  
19 recognize that the purpose of discipline is to teach and direct  
20 the behavior of the child, and ensure that it is administered in  
21 a humane and sensitive manner. Recognizing that visitation with  
22 family members is an important right, foster parents shall be  
23 flexible and cooperative in regard to family visits.

24 4. (1) Consistent with state laws and regulations, the



1 state may provide, upon request by the foster parents,  
2 information about a child's progress after the child leaves  
3 foster care. Except in emergencies, foster parents shall be  
4 given advance notice consistent with division policy, and a  
5 written statement of the reasons before a child is removed from  
6 their care. If a child re-enters the foster care system, the  
7 child's foster parents shall be considered as a placement option.  
8 If a child becomes free for adoption while in foster care, the  
9 child's foster family shall be given preferential consideration  
10 as adoptive parents consistent with section 453.070, RSMo.

11 (2) Confidentiality rights of the child and the child's  
12 parents shall be respected and maintained. Foster parents shall  
13 inform the child's caseworker of their interest if a child re-  
14 enters the system. If a foster child becomes free for adoption  
15 and the foster parents desire to adopt the child, they shall  
16 inform the caseworker in a timely manner. If they do not choose  
17 to pursue adoption, foster parents shall make every effort to  
18 support and encourage the child's placement in a permanent home.  
19 When requesting removal of a child from their home, foster  
20 parents shall give reasonable advance notice, consistent with  
21 division policy, to the child's caseworker, except in emergency  
22 situations.

23 5. (1) Foster parents shall be informed by the court in a  
24 timely manner of all court hearings pertaining to a child in

1 their care, and informed of their right to attend and  
2 participate, consistent with section 211.464, RSMo.

3 (2) Foster parents shall share any concerns regarding the  
4 case plan for a child in their care with the child's caseworker,  
5 as well as other members of the child welfare team, in a timely  
6 manner.

7 6. Foster parents shall have timely access to the child  
8 placement agency's appeals process, and shall be free from acts  
9 of retaliation when exercising the right to appeal.

10 7. Foster parents shall know and follow the policies of the  
11 division of family services, including the appeals procedure.

12 8. For purposes of this section, "foster parent" means a  
13 resource family providing care of children in state custody.

14 210.906. 1. Every child-care worker or elder-care worker  
15 hired on or after January 1, 2001, or personal-care worker hired  
16 on or after January 1, 2002, shall complete a registration form  
17 provided by the department. The department shall make such forms  
18 available no later than January 1, 2001, and may, by rule,  
19 determine the specific content of such form, but every form  
20 shall:

21 (1) Request the valid Social Security number of the  
22 applicant;

23 (2) Include information on the person's right to appeal the  
24 information contained in the registry pursuant to section

1 210.912;

2 (3) Contain the signed consent of the applicant for the  
3 background checks required pursuant to this section; and

4 (4) Contain the signed consent for the release of  
5 information contained in the background check for employment  
6 purposes only.

7 2. Every child-care worker or elder-care worker hired on or  
8 after January 1, 2001, and every personal-care worker hired on or  
9 after January 1, 2002, shall complete a registration form within  
10 fifteen days of the beginning of such person's employment. Any  
11 person employed as a child-care, elder-care or personal-care  
12 worker who fails to submit a completed registration form to the  
13 department of health and senior services as required by sections  
14 210.900 to 210.936 without good cause, as determined by the  
15 department, is guilty of a class B misdemeanor.

16 3. The costs of the criminal background check may be paid  
17 by the individual applicant, or by the provider if the applicant  
18 is so employed, or for those applicants receiving public  
19 assistance, by the state through the terms of the  
20 self-sufficiency pact pursuant to section 208.325, RSMo. Any  
21 moneys remitted to the patrol for the costs of the criminal  
22 background check shall be deposited to the credit of the criminal  
23 record system fund as required by section 43.530, RSMo.

24 4. Any person licensed pursuant to sections 210.481 to

1 210.565 shall be automatically registered in the family care  
2 safety registry at no additional cost other than the costs  
3 required pursuant to sections 210.481 to 210.565.

4 5. Any person not required to register pursuant to the  
5 provisions of sections 210.900 to 210.936 may also be included in  
6 the registry if such person voluntarily applies to the department  
7 for registration and meets the requirements of this section and  
8 section 210.909, including submitting to the background checks in  
9 subsection 1 of section 210.909.

10 [5.] 6. The provisions of sections 210.900 to 210.936  
11 shall not extend to related child care, related elder care or  
12 related personal care.

13 210.1007. 1. The department of health and senior services  
14 shall, on or before July 1, 2003, and quarterly thereafter,  
15 provide all child care facilities licensed pursuant to this  
16 chapter with a comprehensive list of children's products that  
17 have been identified by the Consumer Product Safety Commission as  
18 unsafe.

19 2. Upon notification, a child care facility shall inspect  
20 its premises and immediately dispose of any unsafe children's  
21 products which are discovered. Such inspection shall be  
22 documented by signing and dating the department's notification  
23 form in a space designated by the department. Signed and dated  
24 notification forms shall be maintained in the facility's files

1 for departmental inspection.

2 3. During regular inspections, the department shall  
3 document the facility's maintenance of past signed and dated  
4 notification forms. If the department discovers an unsafe  
5 children's product, the facility shall be instructed to  
6 immediately dispose of the product. If a facility fails to  
7 dispose of a product after being given notice that it is unsafe,  
8 it shall be considered a violation under the inspection.

9 4. The department may promulgate rules for the  
10 implementation of this section. Any rule or portion of a rule,  
11 as that term is defined in section 536.010, RSMo, that is created  
12 under the authority delegated in this section shall become  
13 effective only if it complies with and is subject to all of the  
14 provisions of chapter 536, RSMo, and, if applicable, section  
15 536.028, RSMo. This section and chapter 536, RSMo, are  
16 nonseverable and if any of the powers vested with the general  
17 assembly pursuant to chapter 536, RSMo, to review, to delay the  
18 effective date or to disapprove and annul a rule are subsequently  
19 held unconstitutional, then the grant of rulemaking authority and  
20 any rule proposed or adopted after August 28, 2002, shall be  
21 invalid and void.

22 211.031. 1. Except as otherwise provided in this chapter,  
23 the juvenile court or the family court in circuits that have a  
24 family court as provided in sections 487.010 to 487.190, RSMo,

1 shall have exclusive original jurisdiction in proceedings:

2 (1) Involving any child or person seventeen years of age  
3 who may be a resident of or found within the county and who is  
4 alleged to be in need of care and treatment because:

5 (a) The parents, or other persons legally responsible for  
6 the care and support of the child or person seventeen years of  
7 age, neglect or refuse to provide proper support, education which  
8 is required by law, medical, surgical or other care necessary for  
9 his or her well-being; except that reliance by a parent, guardian  
10 or custodian upon remedial treatment other than medical or  
11 surgical treatment for a child or person seventeen years of age  
12 shall not be construed as neglect when the treatment is  
13 recognized or permitted pursuant to the laws of this state;

14 (b) The child or person seventeen years of age is otherwise  
15 without proper care, custody or support; or

16 (c) The child or person seventeen years of age was living  
17 in a room, building or other structure at the time such dwelling  
18 was found by a court of competent jurisdiction to be a public  
19 nuisance pursuant to section 195.130, RSMo;

20 (d) The child or person seventeen years of age is a child  
21 in need of mental health services and the parent, guardian or  
22 custodian is unable to afford or access appropriate mental health  
23 treatment or care for the child;

24 (2) Involving any child who may be a resident of or found

1 within the county and who is alleged to be in need of care and  
2 treatment because:

3 (a) The child while subject to compulsory school attendance  
4 is repeatedly and without justification absent from school; or

5 (b) The child disobeys the reasonable and lawful directions  
6 of his or her parents or other custodian and is beyond their  
7 control; or

8 (c) The child is habitually absent from his or her home  
9 without sufficient cause, permission, or justification; or

10 (d) The behavior or associations of the child are otherwise  
11 injurious to his or her welfare or to the welfare of others; or

12 (e) The child is charged with an offense not classified as  
13 criminal, or with an offense applicable only to children; except  
14 that, the juvenile court shall not have jurisdiction over any  
15 child fifteen and one-half years of age who is alleged to have  
16 violated a state or municipal traffic ordinance or regulation,  
17 the violation of which does not constitute a felony, or any child  
18 who is alleged to have violated a state or municipal ordinance or  
19 regulation prohibiting possession or use of any tobacco product;

20 (3) Involving any child who is alleged to have violated a  
21 state law or municipal ordinance, or any person who is alleged to  
22 have violated a state law or municipal ordinance prior to  
23 attaining the age of seventeen years, in which cases jurisdiction  
24 may be taken by the court of the circuit in which the child or

1 person resides or may be found or in which the violation is  
2 alleged to have occurred; except that, the juvenile court shall  
3 not have jurisdiction over any child fifteen and one-half years  
4 of age who is alleged to have violated a state or municipal  
5 traffic ordinance or regulation, the violation of which does not  
6 constitute a felony, or any child who is alleged to have violated  
7 a state or municipal ordinance or regulation prohibiting  
8 possession or use of any tobacco product;

9 (4) For the adoption of a person;

10 (5) For the commitment of a child or person seventeen years  
11 of age to the guardianship of the department of social services  
12 as provided by law.

13 2. Transfer of a matter, proceeding, jurisdiction or  
14 supervision for a child or person seventeen years of age who  
15 resides in a county of this state shall be made as follows:

16 (1) Prior to the filing of a petition and upon request of  
17 any party or at the discretion of the juvenile officer, the  
18 matter in the interest of a child or person seventeen years of  
19 age may be transferred by the juvenile officer, with the prior  
20 consent of the juvenile officer of the receiving court, to the  
21 county of the child's residence or the residence of the person  
22 seventeen years of age for future action;

23 (2) Upon the motion of any party or on its own motion prior  
24 to final disposition on the pending matter, the court in which a



1 proceeding is commenced may transfer the proceeding of a child or  
2 person seventeen years of age to the court located in the county  
3 of the child's residence or the residence of the person seventeen  
4 years of age, or the county in which the offense pursuant to  
5 subdivision (3) of subsection 1 of this section is alleged to  
6 have occurred for further action;

7 (3) Upon motion of any party or on its own motion, the  
8 court in which jurisdiction has been taken pursuant to subsection  
9 1 of this section may at any time thereafter transfer  
10 jurisdiction of a child or person seventeen years of age to the  
11 court located in the county of the child's residence or the  
12 residence of the person seventeen years of age for further action  
13 with the prior consent of the receiving court;

14 (4) Upon motion of any party or upon its own motion at any  
15 time following a judgment of disposition or treatment pursuant to  
16 section 211.181, the court having jurisdiction of the cause may  
17 place the child or person seventeen years of age under the  
18 supervision of another juvenile court within or without the state  
19 pursuant to section 210.570, RSMo, with the consent of the  
20 receiving court;

21 (5) Upon the transfer of any matter, proceeding,  
22 jurisdiction or supervision of a child or person seventeen years  
23 of age, certified copies of all legal and social documents and  
24 records pertaining to the case on file with the clerk of the

1 transferring juvenile court shall accompany the transfer.

2 3. In any proceeding involving any child or person  
3 seventeen years of age taken into custody in a county other than  
4 the county of the child's residence or the residence of a person  
5 seventeen years of age, the juvenile court of the county of the  
6 child's residence or the residence of a person seventeen years of  
7 age shall be notified of such taking into custody within  
8 seventy-two hours.

9 211.181. 1. When a child or person seventeen years of age  
10 is found by the court to come within the applicable provisions of  
11 subdivision (1) of subsection 1 of section 211.031, the court  
12 shall so decree and make a finding of fact upon which it  
13 exercises its jurisdiction over the child or person seventeen  
14 years of age, and the court may, by order duly entered, proceed  
15 as follows:

16 (1) Place the child or person seventeen years of age under  
17 supervision in his own home or in the custody of a relative or  
18 other suitable person after the court or a public agency or  
19 institution designated by the court conducts an investigation of  
20 the home, relative or person and finds such home, relative or  
21 person to be suitable and upon such conditions as the court may  
22 require;

23 (2) Commit the child or person seventeen years of age to  
24 the custody of:

1           (a) A public agency or institution authorized by law to  
2     care for children or to place them in family homes; except that,  
3     such child or person seventeen years of age may not be committed  
4     to the department of social services, division of youth services;

5           (b) Any other institution or agency which is authorized or  
6     licensed by law to care for children or to place them in family  
7     homes;

8           (c) An association, school or institution willing to  
9     receive the child or person seventeen years of age in another  
10    state if the approval of the agency in that state which  
11    administers the laws relating to importation of children into the  
12    state has been secured; or

13          (d) The juvenile officer;

14          (3) Place the child or person seventeen years of age in a  
15    family home;

16          (4) Cause the child or person seventeen years of age to be  
17    examined and treated by a physician, psychiatrist or psychologist  
18    and when the health or condition of the child or person seventeen  
19    years of age requires it, cause the child or person seventeen  
20    years of age to be placed in a public or private hospital, clinic  
21    or institution for treatment and care; except that, nothing  
22    contained herein authorizes any form of compulsory medical,  
23    surgical, or psychiatric treatment of a child or person seventeen  
24    years of age whose parents or guardian in good faith are

1 providing other remedial treatment recognized or permitted under  
2 the laws of this state;

3 (5) The court may order, pursuant to subsection 2 of  
4 section 211.081, that the child receive the necessary services in  
5 the least restrictive appropriate environment including home and  
6 community-based services, treatment and support, based on a  
7 coordinated, individualized treatment plan. The individualized  
8 treatment plan shall be approved by the court and developed by  
9 the applicable state agencies responsible for providing or paying  
10 for any and all appropriate and necessary services, subject to  
11 appropriation, and shall include which agencies are going to pay  
12 for and provide such services. Such plan must be submitted to  
13 the court within thirty days and the child's family shall  
14 actively participate in designing the service plan for the child  
15 or person seventeen years of age.

16 2. When a child is found by the court to come within the  
17 provisions of subdivision (2) of subsection 1 of section 211.031,  
18 the court shall so decree and upon making a finding of fact upon  
19 which it exercises its jurisdiction over the child, the court  
20 may, by order duly entered, proceed as follows:

21 (1) Place the child under supervision in his own home or in  
22 custody of a relative or other suitable person after the court or  
23 a public agency or institution designated by the court conducts  
24 an investigation of the home, relative or person and finds such

1 home, relative or person to be suitable and upon such conditions  
2 as the court may require;

3 (2) Commit the child to the custody of:

4 (a) A public agency or institution authorized by law to  
5 care for children or place them in family homes; except that, a  
6 child may be committed to the department of social services,  
7 division of youth services, only if he is presently under the  
8 court's supervision after an adjudication under the provisions of  
9 subdivision (2) or (3) of subsection 1 of section 211.031;

10 (b) Any other institution or agency which is authorized or  
11 licensed by law to care for children or to place them in family  
12 homes;

13 (c) An association, school or institution willing to  
14 receive it in another state if the approval of the agency in that  
15 state which administers the laws relating to importation of  
16 children into the state has been secured; or

17 (d) The juvenile officer;

18 (3) Place the child in a family home;

19 (4) Cause the child to be examined and treated by a  
20 physician, psychiatrist or psychologist and when the health or  
21 condition of the child requires it, cause the child to be placed  
22 in a public or private hospital, clinic or institution for  
23 treatment and care; except that, nothing contained herein  
24 authorizes any form of compulsory medical, surgical, or

1 psychiatric treatment of a child whose parents or guardian in  
2 good faith are providing other remedial treatment recognized or  
3 permitted under the laws of this state;

4 (5) Assess an amount of up to ten dollars to be paid by the  
5 child to the clerk of the court. Execution of any order entered  
6 by the court pursuant to this subsection, including a commitment  
7 to any state agency, may be suspended and the child placed on  
8 probation subject to such conditions as the court deems  
9 reasonable. After a hearing, probation may be revoked and the  
10 suspended order executed.

11 3. When a child is found by the court to come within the  
12 provisions of subdivision (3) of subsection 1 of section 211.031,  
13 the court shall so decree and make a finding of fact upon which  
14 it exercises its jurisdiction over the child, and the court may,  
15 by order duly entered, proceed as follows:

16 (1) Place the child under supervision in his own home or in  
17 custody of a relative or other suitable person after the court or  
18 a public agency or institution designated by the court conducts  
19 an investigation of the home, relative or person and finds such  
20 home, relative or person to be suitable and upon such conditions  
21 as the court may require;

22 (2) Commit the child to the custody of:

23 (a) A public agency or institution authorized by law to  
24 care for children or to place them in family homes;

1           (b) Any other institution or agency which is authorized or  
2           licensed by law to care for children or to place them in family  
3           homes;

4           (c) An association, school or institution willing to  
5           receive it in another state if the approval of the agency in that  
6           state which administers the laws relating to importation of  
7           children into the state has been secured; or

8           (d) The juvenile officer;

9           (3) Beginning January 1, 1996, the court may make further  
10          directions as to placement with the division of youth services  
11          concerning the child's length of stay. The length of stay order  
12          may set forth a minimum review date;

13          (4) Place the child in a family home;

14          (5) Cause the child to be examined and treated by a  
15          physician, psychiatrist or psychologist and when the health or  
16          condition of the child requires it, cause the child to be placed  
17          in a public or private hospital, clinic or institution for  
18          treatment and care; except that, nothing contained herein  
19          authorizes any form of compulsory medical, surgical, or  
20          psychiatric treatment of a child whose parents or guardian in  
21          good faith are providing other remedial treatment recognized or  
22          permitted under the laws of this state;

23          (6) Suspend or revoke a state or local license or authority  
24          of a child to operate a motor vehicle;

1           (7) Order the child to make restitution or reparation for  
2 the damage or loss caused by his offense. In determining the  
3 amount or extent of the damage, the court may order the juvenile  
4 officer to prepare a report and may receive other evidence  
5 necessary for such determination. The child and his attorney  
6 shall have access to any reports which may be prepared, and shall  
7 have the right to present evidence at any hearing held to  
8 ascertain the amount of damages. Any restitution or reparation  
9 ordered shall be reasonable in view of the child's ability to  
10 make payment or to perform the reparation. The court may require  
11 the clerk of the circuit court to act as receiving and disbursing  
12 agent for any payment ordered;

13           (8) Order the child to a term of community service under  
14 the supervision of the court or of an organization selected by  
15 the court. Every person, organization, and agency, and each  
16 employee thereof, charged with the supervision of a child under  
17 this subdivision, or who benefits from any services performed as  
18 a result of an order issued under this subdivision, shall be  
19 immune from any suit by the child ordered to perform services  
20 under this subdivision, or any person deriving a cause of action  
21 from such child, if such cause of action arises from the  
22 supervision of the child's performance of services under this  
23 subdivision and if such cause of action does not arise from an  
24 intentional tort. A child ordered to perform services under this



1 subdivision shall not be deemed an employee within the meaning of  
2 the provisions of chapter 287, RSMo, nor shall the services of  
3 such child be deemed employment within the meaning of the  
4 provisions of chapter 288, RSMo. Execution of any order entered  
5 by the court, including a commitment to any state agency, may be  
6 suspended and the child placed on probation subject to such  
7 conditions as the court deems reasonable. After a hearing,  
8 probation may be revoked and the suspended order executed;

9 (9) When a child has been adjudicated to have violated a  
10 municipal ordinance or to have committed an act that would be a  
11 misdemeanor if committed by an adult, assess an amount of up to  
12 twenty-five dollars to be paid by the child to the clerk of the  
13 court; when a child has been adjudicated to have committed an act  
14 that would be a felony if committed by an adult, assess an amount  
15 of up to fifty dollars to be paid by the child to the clerk of  
16 the court.

17 4. Beginning January 1, 1996, the court may set forth in  
18 the order of commitment the minimum period during which the child  
19 shall remain in the custody of the division of youth services.  
20 No court order shall require a child to remain in the custody of  
21 the division of youth services for a period which exceeds the  
22 child's eighteenth birth date except upon petition filed by the  
23 division of youth services pursuant to subsection 1 of section  
24 219.021, RSMo. In any order of commitment of a child to the

1 custody of the division of youth services, the division shall  
2 determine the appropriate program or placement pursuant to  
3 subsection 3 of section 219.021, RSMo. Beginning January 1,  
4 1996, the department shall not discharge a child from the custody  
5 of the division of youth services before the child completes the  
6 length of stay determined by the court in the commitment order  
7 unless the committing court orders otherwise. The director of  
8 the division of youth services may at any time petition the court  
9 for a review of a child's length of stay commitment order, and  
10 the court may, upon a showing of good cause, order the early  
11 discharge of the child from the custody of the division of youth  
12 services. The division may discharge the child from the division  
13 of youth services without a further court order after the child  
14 completes the length of stay determined by the court or may  
15 retain the child for any period after the completion of the  
16 length of stay in accordance with the law.

17 5. When an assessment has been imposed under the provisions  
18 of subsection 2 or 3 of this section, the assessment shall be  
19 paid to the clerk of the court in the circuit where the  
20 assessment is imposed by court order, to be deposited in a fund  
21 established for the sole purpose of payment of judgments entered  
22 against children in accordance with section 211.185.

23 294.011. As used in this chapter, the following terms mean:

24 (1) "Child", an individual under sixteen years of age,

1 unless otherwise specified;

2 (2) "Commission", the labor and industrial relations  
3 commission;

4 (3) "Department", the department of labor and industrial  
5 relations;

6 (4) "Department director", the director of the department  
7 of labor and industrial relations;

8 (5) "Director", the director of the division of labor  
9 standards;

10 (6) "Division", the division of labor standards;

11 (7) "Employ", engage a child in gainful employment for  
12 wages or other remuneration [except where the child is working  
13 under the direct control of the parent, legal custodian or  
14 guardian of the child]. The term employ shall not include [the  
15 performance of the following services by a child twelve years of  
16 age or older] any child working under the direct control of the  
17 child's parent and shall not include the following services which  
18 may be performed by any child over the age of twelve:

19 (a) The delivery or sales of newspapers[, magazines or  
20 periodicals];

21 (b) Child care;

22 (c) Occasional yard or farm work, including agriculture  
23 work as defined in subdivision (1) of section 290.500, RSMo,  
24 performed by a child with the knowledge and consent of [his or

1 her] the child's parent [, legal custodian or guardian. Such  
2 work shall include the use of lawn and garden machinery in  
3 domestic service at or around a private residence, provided that,  
4 there shall be an agreement between an occupant of the private  
5 residence and the child, and by no other person, firm or  
6 corporation, other than a parent, legal custodian or guardian of  
7 the child, for the performance of such work]. A child may  
8 operate lawn and garden machinery as specified in subsection (1)  
9 of section 294.040, provided that, no child shall be permitted to  
10 engage in any activities prohibited by section 294.040;

11 (d) Participating in a youth sporting event as a referee,  
12 coach or other position necessary to the sporting event; except  
13 that, this paragraph shall not include working at a concession  
14 stand. For purposes of this paragraph, "youth sporting event"  
15 means an event where all players are under the age of eighteen  
16 and the event is sponsored and supervised by a public body or a  
17 not-for-profit entity[; or

18 (e) Any other part-time employment performed by a child  
19 with the knowledge and consent of his or her parent, legal  
20 custodian or guardian not specifically prohibited by section  
21 294.040];

22 (8) "Parent", a child's parent, legal custodian or  
23 guardian.

24 294.024. A child [who has passed the child's fourteenth

1 birthday but is under sixteen years of age may be employed in any  
2 occupation other than the occupations prohibited by this chapter,  
3 except that the child] may not be employed during the regular  
4 school term unless the child has been issued a work  
5 certificate[, ] or a work permit [issued] pursuant to the  
6 provisions of this chapter [or an exemption issued by the  
7 director].

8 294.030. 1. A child [under sixteen years of age] shall not  
9 be employed, permitted or suffered to work at any gainful  
10 employment for more than three hours per day in any school day,  
11 more than eight hours in any nonschool day, more than six days or  
12 forty hours in any week. Normal work hours shall not begin  
13 before seven o'clock in the morning nor extend to after 9:00  
14 p.m., except as provided in subsection 2 of this section. The  
15 provisions of this subsection may be waived by the director, in  
16 full or in part, depending upon the nature of the employment.  
17 Such waiver shall be provided in writing to the employer by the  
18 director. The waiver shall only exempt employment described in  
19 section 294.022.

20 2. On all evenings from Labor Day to June first, a child  
21 [under sixteen years of age] shall not be employed, permitted or  
22 suffered to work at any gainful employment after 7:00 p.m. nor  
23 after 9:00 p.m. from June first to Labor Day; except that a child  
24 who has passed his or her fourteenth birthday but is under

1 sixteen years of age may be employed at a regional fair from June  
2 first to Labor Day, if such child does not work after 10:30 p.m.,  
3 is supervised by an adult, parental consent is given and the  
4 provisions of this subsection are complied with. The [provisions  
5 of this subsection] regional fair exception shall not apply to  
6 those entities covered by the Fair Labor Standards Act. The  
7 provisions of this subsection do not apply to children who have  
8 been permanently excused from school pursuant to the provisions  
9 of chapter 167, RSMo. The provisions of this subsection may be  
10 waived by the director, in full or in part, depending upon the  
11 nature of the employment. Such waiver shall be provided in  
12 writing to the employer by the director. The waiver shall only  
13 exempt employment described in section 294.022.

14 294.060. 1. Whenever a child [under sixteen years of age]  
15 is granted a work certificate or work permit, the certificate or  
16 work permit shall be transmitted by the issuing officer to the  
17 employer of the child and a copy shall be [mailed] transmitted to  
18 the division. The employer shall keep the work certificate or  
19 work permit on file and shall post in a conspicuous place in the  
20 employer's place of business a list of all children who are  
21 employed and under the age of sixteen.

22 2. On termination of the employment of the child, the  
23 child's work certificate or work permit shall be sent immediately  
24 by the employer to the officer who issued it.

1           3. A new certificate or work permit may be issued for a  
2 child whose certificate or work permit has been returned by the  
3 employer to the issuing officer.

4           4. A copy of each work certificate or work permit issued  
5 and notice of its cancellation shall be retained by the issuing  
6 officer and a copy shall be [mailed] transmitted by the issuing  
7 officer to the division.

8           294.043. No child under sixteen years of age shall be  
9 employed or permitted to work in any street occupation connected  
10 with peddling, begging, door-to-door selling or any activity  
11 pursued on or about any public street or public place [until the  
12 employer has received written permission from the director of the  
13 division of labor standards]. This prohibition does not apply to  
14 any public school or church or charitable fund-raising activity,  
15 or distribution of literature relating to a registered political  
16 candidate.

17           294.090. 1. The director is charged with the enforcement  
18 of the provisions of this chapter and all other laws regulating  
19 the employment of children. The director is vested with the  
20 power and jurisdiction to exercise such supervision over every  
21 employment as may be necessary to adequately enforce and  
22 administer the provisions of this chapter, including the right to  
23 enter any place where children are employed and to inspect the  
24 premises and to [call for and inspect] require the production of

1 work certificates or work permits and any other necessary  
2 documents specifically requested that involve the employment of  
3 children.

4       2. Every employer subject to any provision of sections  
5 294.005 to 294.150 or any regulation issued pursuant to sections  
6 294.005 to 294.150 shall make and keep for a period of not less  
7 than two years, on the premises where any child is employed, the  
8 work certificate, a record of the name, address, and age of the  
9 child, and times and hours worked by the child each day.

10       3. All records and information obtained by the division  
11 pertaining to minors are confidential and personal identifying  
12 information shall be disclosed only by order of a court of  
13 competent jurisdiction.

14       4. If it appears that a work certificate or work permit has  
15 been improperly granted or illegally used, or the child is being  
16 injured, or is likely to be injured by the employment, this fact  
17 shall be reported to the issuing officer who shall cancel the  
18 work certificate or work permit. Notice in writing of the  
19 cancellation, with reasons therefor, shall be [mailed]  
20 transmitted immediately to the child and to the person employing  
21 the child, and thereafter it shall be unlawful for any such  
22 person to continue to employ the child.

23       294.121. 1. Any person, firm or corporation who violates  
24 any provision of this chapter shall in addition to the criminal



1 violation in section 294.110 be civilly liable for damages of not  
2 less than fifty dollars but not more than one thousand dollars  
3 for each violation. Each day a violation continues shall  
4 constitute a separate violation. Each child employed or  
5 permitted to work in violation of this chapter shall constitute a  
6 separate violation. The director may bring the civil action to  
7 enforce the provisions of this chapter. The attorney general  
8 may, on behalf of the director, bring suit pursuant to this  
9 section.

10 2. The director shall determine the amount of civil damages  
11 to request in the suit based on the nature and gravity of the  
12 violation. The director shall also consider the size of the  
13 business when determining the appropriate civil damages. The  
14 size of the business shall be determined by the number of people  
15 employed by that business. A request for the maximum civil  
16 damages shall be justified by the following, to be considered  
17 individually or in combination:

18 (1) The likelihood of injury and the seriousness of the  
19 potential injuries to which the child has been exposed;

20 (2) The business or employer has had multiple violations;

21 (3) The business or employer has had recurring violations;

22 (4) Employment of any child in a hazardous or detrimental  
23 occupation;

24 (5) Violations involving children under fourteen years of

1 age;

2 (6) A substantial number of hours worked in excess of the  
3 statutory limit;

4 (7) Falsification or concealment of information regarding  
5 the employment of children;

6 (8) Failure to assure future compliance with the provisions  
7 of this chapter.

8 3. If the director decides to seek civil damages as  
9 provided by this section, the director shall notify, by certified  
10 mail, the person, firm or corporation charged with the violation.  
11 The notice of violation shall include the following:

12 (1) The nature of the violation;

13 (2) The date of the violation;

14 (3) The name of the child or children involved in the  
15 violation;

16 (4) The amount of civil damages the director is requesting;

17 (5) The terms and conditions for any settlement agreement;  
18 and

19 (6) The right to contest the director's decision to seek  
20 civil damages.

21 4. The initial violation determination from the division  
22 shall be final, unless within twenty calendar days after the  
23 division mails the violation determination or notification, the  
24 person, firm or corporation charged with the violation notifies

1 the director in writing that the violation determination is being  
2 contested.

3 5. The parties named in the violation determination may  
4 contest the violation determination if a written notice appealing  
5 the violation determination is received by the director within  
6 twenty calendar days after the division mailed the violation  
7 determination. The director shall set a meeting with the parties  
8 contesting the findings in order to review the findings of the  
9 division. After review of the findings, the director may hold  
10 that the findings support the violation determination or the  
11 director may issue a revised violation determination.

12 6. If the parties cited in the subsequent violation  
13 determination disagree with the violation determination of the  
14 director, then the parties cited in the subsequent violation  
15 determination may contest the subsequent determination by filing  
16 a written appeal with the department director. The appeal  
17 contesting the subsequent determination shall be sent to the  
18 department director in time to be received within twenty calendar  
19 days after the division mailed the subsequent violation  
20 determination from the director. If the director does not  
21 receive the written appeal within twenty calendar days after the  
22 division mailed the subsequent violation determination then the  
23 determination of the director shall be final. If the subsequent  
24 written appeal is received within the twenty-calendar-day period,

1 then the department director, or the department director's  
2 designee, shall set a meeting with the parties contesting the  
3 findings in order to review the findings of the division and the  
4 director. After review of the findings, the department director,  
5 or the department director's designee, may hold that the findings  
6 of the division and the director to support the violation  
7 determination or the department director, or the department  
8 director's designee, may issue a revised violation determination.

9 7. The determination of the department director or the  
10 department director's designee shall be the final determination  
11 pertaining to the violation determinations, unless judicial  
12 review is sought under chapter 536, RSMo.

13 294.141. The records of the division shall constitute prima  
14 facie evidence of the date of [mailing] transmission of any  
15 notice, determination or other paper [mailed] transmission  
16 pursuant to the provisions of this chapter.

17 452.402. 1. The court may grant reasonable visitation  
18 rights to the grandparents of the child and issue any necessary  
19 orders to enforce the decree. The court may grant grandparent  
20 visitation when:

21 (1) The parents of the child have filed for a dissolution  
22 of their marriage. A grandparent shall have the right to  
23 intervene in any dissolution action solely on the issue of  
24 visitation rights. Grandparents shall also have the right to

1 file a motion to modify the original decree of dissolution to  
2 seek visitation rights when such rights have been denied to them;

3 (2) One parent of the child is deceased and the surviving  
4 parent denies reasonable visitation rights to a parent of the  
5 deceased parent of the child;

6 (3) The child has resided in the grandparent's home for at  
7 least six months within the twenty-four month period immediately  
8 preceding the filing of the petition;

9 (4) A grandparent is unreasonably denied visitation with  
10 the child for a period exceeding ninety days. However, if the  
11 natural parents are legally married to each other and are living  
12 together with the child, a grandparent may not file for  
13 visitation pursuant to this subdivision; or

14 [(4)] (5) The child is adopted by a stepparent, another  
15 grandparent or other blood relative.

16 2. The court shall determine if the visitation by the  
17 grandparent would be in the child's best interest or if it would  
18 endanger the child's physical health or impair the child's  
19 emotional development. Visitation may only be ordered when the  
20 court finds such visitation to be in the best interests of the  
21 child. However, when the parents of the child are legally  
22 married to each other and are living together with the child, it  
23 shall be a rebuttable presumption that such parents know what is  
24 in the best interest of the child. The court may order

1 reasonable conditions or restrictions on grandparent visitation.

2 3. If the court finds it to be in the best interests of the  
3 child, the court may appoint a guardian ad litem for the child.  
4 The guardian ad litem shall be an attorney licensed to practice  
5 law in Missouri. The guardian ad litem may, for the purpose of  
6 determining the question of grandparent visitation rights,  
7 participate in the proceedings as if such guardian ad litem were  
8 a party. The court shall enter judgment allowing a reasonable  
9 fee to the guardian ad litem.

10 4. A home study, as described by section 452.390, may be  
11 ordered by the court to assist in determining the best interests  
12 of the child.

13 5. The court may, in its discretion, consult with the child  
14 regarding the child's wishes in determining the best interest of  
15 the child.

16 6. The right of a grandparent to seek or maintain  
17 visitation rights pursuant to this section may terminate upon the  
18 adoption of the child.

19 7. The court may award reasonable attorneys fees and  
20 expenses to the prevailing party.

21 453.030. 1. In all cases the approval of the court of the  
22 adoption shall be required and such approval shall be given or  
23 withheld as the welfare of the person sought to be adopted may,  
24 in the opinion of the court, demand.

1           2. The written consent of the person to be adopted shall be  
2 required in all cases where the person sought to be adopted is  
3 fourteen years of age or older, except where the court finds that  
4 such child has not sufficient mental capacity to give the same.

5           3. With the exceptions specifically enumerated in section  
6 453.040, when the person sought to be adopted is under the age of  
7 eighteen years, the written consent of the following persons  
8 shall be required and filed in and made a part of the files and  
9 record of the proceeding:

10           (1) The mother of the child; and

11           (2) Any man who:

12           (a) Is presumed to be the father pursuant to the  
13 subdivisions (1), (2), or (3) [or (5)] of subsection 1 of section  
14 210.822, RSMo; or

15           (b) Has filed an action to establish his paternity in a  
16 court of competent jurisdiction no later than fifteen days after  
17 the birth of the child; or

18           (c) Filed with the putative father registry pursuant to  
19 section 192.016, RSMo, a notice of intent to claim paternity or  
20 an acknowledgment of paternity either prior to or within fifteen  
21 days after the child's birth, and has filed an action to  
22 establish his paternity in a court of competent jurisdiction no  
23 later than fifteen days after the birth of the child; or

24           (3) The child's current adoptive parents or other legally

1        recognized mother and father.

2        Upon request by the petitioner and within one business day of  
3        such request, the clerk of the local court shall verify whether  
4        such written consents have been filed with the court.

5            4. The written consent required in subdivisions (2) and (3)  
6        of subsection 3 of this section may be executed before or after  
7        the commencement of the adoption proceedings, and shall be  
8        acknowledged before a notary public. In lieu of such  
9        acknowledgment, the signature of the person giving such written  
10       consent shall be witnessed by the signatures of at least two  
11       adult persons whose signatures and addresses shall be plainly  
12       written thereon. The two adult witnesses shall not be the  
13       prospective adoptive parents or any attorney representing a party  
14       to the adoption proceeding. The notary public or witnesses shall  
15       verify the identity of the party signing the consent.

16           5. The written consent required in subdivision (1) of  
17       subsection 3 of this section by the birth parent shall not be  
18       executed anytime before the child is forty-eight hours old. Such  
19       written consent shall be executed in front of a judge or a notary  
20       public. In lieu of such acknowledgment, the signature of the  
21       person giving such written consent shall be witnessed by the  
22       signatures of at least two adult persons who are present at the  
23       execution whose signatures and addresses shall be plainly written



1       thereon and who determine and certify that the consent is  
2       knowingly and freely given. The two adult witnesses shall not be  
3       the prospective adoptive parents or any attorney representing a  
4       party to the adoption proceeding. The notary public or witnesses  
5       shall verify the identity of the party signing the consent.

6           6. The written consents shall be reviewed and, if found to  
7       be in compliance with this section, approved by the court within  
8       three business days of such consents being presented to the  
9       court. Upon review, in lieu of approving the consent within  
10      three business days, the court may set a date for a prompt  
11      evidentiary hearing upon notice to the parties. Failure to  
12      review and approve the written consent within three business days  
13      shall not void the consent, but a party may seek a writ of  
14      mandamus from the appropriate court, unless an evidentiary  
15      hearing has been set by the court pursuant to this subsection.

16          7. The written consent required in subsection 3 of this  
17      section may be withdrawn anytime until it has been reviewed and  
18      accepted by a judge.

19          8. A consent form shall be developed through rules and  
20      regulations promulgated by the department of social services. No  
21      rule or portion of a rule promulgated under the authority of this  
22      section shall become effective unless it has been promulgated  
23      pursuant to the provisions of chapter 536, RSMo. If a written  
24      consent is obtained after August 28, 1997, but prior to the

1 development of a consent form by the department and the written  
2 consent complies with the provisions of subsection 9 of this  
3 section, such written consent shall be deemed valid.

4 9. However, the consent form must specify that:

5 (1) The birth parent understands the importance of  
6 identifying all possible fathers of the child and shall provide  
7 the names of all such persons unless the mother has good cause as  
8 to why she should not name such persons. The court shall  
9 determine if good cause is justifiable. By signing the consent,  
10 the birth parent acknowledges that those having an interest in  
11 the child have been supplied with all available information to  
12 assist in locating all possible fathers; and

13 (2) The birth parent understands that if he denies  
14 paternity, but consents to the adoption, he waives any future  
15 interest in the child.

16 10. The written consent to adoption required by subsection  
17 3 and executed through procedures set forth in subsection 5 of  
18 this section shall be valid and effective even though the parent  
19 consenting was under eighteen years of age, if such parent was  
20 represented by a guardian ad litem, at the time of the execution  
21 thereof.

22 11. Where the person sought to be adopted is eighteen years  
23 of age or older, his written consent alone to his adoption shall  
24 be sufficient.

1           12. A birth parent, including a birth parent less than  
2           eighteen years of age, shall have the right to legal  
3           representation and payment of any reasonable legal fees incurred  
4           throughout the adoption process. In addition, the court may  
5           appoint an attorney to represent a birth parent if:

6           (1) A birth parent requests representation;

7           (2) The court finds that hiring an attorney to represent  
8           such birth parent would cause a financial hardship for the birth  
9           parent; and

10          (3) The birth parent is not already represented by counsel.

11          13. Except in cases where the court determines that the  
12          adoptive parents are unable to pay reasonable attorney fees and  
13          appoints pro bono counsel for the birth parents, the court shall  
14          order the costs of the attorney fees incurred pursuant to  
15          subsection 12 of this section to be paid by the prospective  
16          adoptive parents or the child-placing agency.

17          454.606. 1. In all IV-D cases in which income withholding  
18          for child support is to be initiated on the effective date of the  
19          order pursuant to section 452.350, RSMo, and section 454.505,  
20          respectively, the circuit clerk or division, as appropriate,  
21          shall send a notice to the employer or union of the parent who  
22          has been ordered to provide the health benefit plan coverage at  
23          the same time the support order withholding notice is issued. In  
24          cases in which the division enforces an order to obtain health

1 benefit plan coverage, it also shall send a notice to the  
2 employer or union of the parent who has been ordered to provide  
3 the health benefit plan coverage.

4 2. The notice shall be sent to the employer or union by  
5 certified mail, return receipt requested.

6 3. [The notice shall contain the following information:

7 (1) The parent's name and Social Security number;

8 (2) A statement that the parent has been required to  
9 provide and maintain health benefit plan coverage for a dependent  
10 minor child;

11 (3) The name, date of birth and Social Security number, if  
12 available, for each child.

13 4. The notice to withhold sufficient funds from the  
14 earnings due the obligor to cover employee contributions or  
15 premiums, when necessary to comply with the order to provide  
16 health benefit plan coverage, is binding on current and successor  
17 employers for current and subsequent periods of employment. Such  
18 notice continues until further notice by the court or the  
19 division.

20 5. The withholding of health benefit plan employee  
21 contributions or premiums from income, if required to comply with  
22 the order, shall not be held in abeyance pending the outcome of  
23 any hearing provided pursuant to section 454.609.] The division  
24 shall use the National Medical Support Notice required by 42

1 U.S.C. Section 666(a)(19) and 45 C.F.R. Section 303.32 to enforce  
2 health benefit plan coverage under this chapter. All employers,  
3 unions, and plan administrators shall comply with the terms of  
4 the National Medical Support Notice, including the instructions  
5 therein, whether issued by the division or the IV-D agency of  
6 another state which appears regular on its face. The division  
7 shall:

8 (1) Transfer the National Medical Support Notice to an  
9 employer within two business days after the date of entry of an  
10 employee who is an obligor in a IV-D case in the state directory  
11 of new hires; and

12 (2) Promptly notify the appropriate employer or union if a  
13 current order for medical support for which the division is  
14 responsible is no longer in effect.

15 4. The notice issued by the circuit clerk shall contain, at  
16 a minimum, the following information:

17 (1) The parent's name and Social Security number;

18 (2) A statement that the parent is required to provide and  
19 maintain health benefit plan coverage for a dependent minor  
20 child; and

21 (3) The name, date of birth, and Social Security number, if  
22 available, for each child.

23 5. The notice to withhold sufficient funds from the  
24 earnings due the obligor to cover employee contributions or

1 premiums, when necessary to comply with the order to provide  
2 health benefit plan coverage, is binding on current and successor  
3 employers for current and subsequent periods of employment. Such  
4 notice shall continue until further notice by the court or  
5 division.

6 6. The withholding of health benefit plan employee  
7 contributions or premiums from income, if required to comply with  
8 the order, shall not be held in abeyance pending the outcome of  
9 any hearing provided pursuant to section 454.609.

10 454.609. 1. At the same time an employer or union notice  
11 is sent pursuant to section 454.606, the circuit clerk or the  
12 division, as appropriate, shall send a notice to the obligor by  
13 any form of mail to the obligor's last known address. The  
14 information contained in that notice shall include:

15 (1) A statement that the parent has been directed to  
16 provide and maintain health benefit plan coverage for the benefit  
17 of a minor child;

18 (2) The name and date of birth of the minor child;

19 (3) A statement that the income withholding for health  
20 benefit coverage applies to current and subsequent periods of  
21 employment;

22 (4) [The procedure available to] A statement that the  
23 parent may within thirty days of the mailing date of the order or  
24 notice submit a written contest to the withholding on the grounds

1 that the withholding is not proper because of mistake of fact or  
2 because the obligor [has purchased] provides other insurance that  
3 was obtained prior to issuance of the withholding order or notice  
4 that is comparable to the health benefit plan available through  
5 the employer or union or nonemployer or nonunion group;

6 (5) A statement that if the obligor contests the  
7 withholding, the obligor shall be afforded an opportunity to  
8 present his or her case to the court or the division within  
9 thirty days of receipt of the notice of contest;

10 (6) A statement of exemptions which may apply to limit the  
11 portion of the obligated party's disposable earnings which are  
12 subject to the withholding under federal or state law;

13 (7) The Social Security number of the obligor, if  
14 available;

15 (8) A statement that state law prohibits employers from  
16 retaliating against an obligor under an order to provide health  
17 benefit plan coverage and that the court or the division should  
18 be contacted if the obligor has been retaliated against by his or  
19 her employer as a result of the order for health benefit plan  
20 coverage.

21 2. The only grounds to contest a withholding order or  
22 notice for health benefit plan coverage sent to an employer or  
23 union shall be mistake of fact or [the obligor's purchase of]  
24 that the obligor obtained other insurance prior to issuance of

1     the withholding order or notice that is comparable to the health  
2     benefit plan available through the employer or union, or  
3     nonemployer or nonunion group. For purposes of sections 454.600  
4     to 454.645, "mistake of fact" means an error as to the identity  
5     of the obligor.

6             3. If the obligor contests the withholding order or notice  
7     for health plan coverage because of mistake of fact or [the  
8     purchase of] because the obligor obtained comparable insurance  
9     [within fifteen days of the mail date of the notice] prior to  
10    issuance of the withholding order or notice, the court or the  
11    director shall hold a hearing, enter an order disposing of all  
12    issues disputed by the obligor[, indicate the date that  
13    withholding will commence, if appropriate,] and notify the  
14    obligated party of the determination and date, within forty-five  
15    days of the date of receipt of the obligated party's notice of  
16    contest.

17            454.615. 1. Upon receipt of a court or administrative  
18    order, or notice, for health benefit plan coverage, the employer  
19    or union shall [forward a copy of] transfer the order or notice  
20    to the [health benefit plan administrator or insurer, as  
21    applicable] appropriate group health plan providing the health  
22    plan coverage for which the child is eligible, excluding any  
23    severable notice to withhold for health care coverage directing  
24    the employer or union to withhold any mandatory employee



1 contribution to the plan, within twenty business days after the  
2 date of the order or notice.

3 2. Within forty business days after the date of the order  
4 or notice, the plan administrator shall:

5 (1) Notify the issuing agency whether coverage of the child  
6 is available under the terms of the plan and, if so, whether such  
7 child is covered under the plan and either the effective date of  
8 such coverage or, if necessary, any steps to be taken by the  
9 custodial parent or issuing agency to effectuate such coverage;  
10 and

11 (2) Provide to the custodial parent or issuing agency a  
12 description of the coverage available and any forms or documents  
13 necessary to effectuate such coverage.

14 454.618. 1. Upon receipt of the court or administrative  
15 order, or notice, for health benefit plan coverage, or upon  
16 application of the obligor pursuant to that order, the employer  
17 or union shall take necessary action to enroll the minor child as  
18 an eligible dependent in the health benefit plan and, upon  
19 enrollment, withhold any required employee contribution or  
20 premium from the obligor's income or wages necessary for the  
21 coverage of the child and send any amount withheld directly to  
22 the health benefit plan administrator. If more than one health  
23 benefit plan is offered by the employer or union, the minor child  
24 shall be enrolled in the plan in which the obligor is enrolled.

1 When one or more plans are available and the obligor is not  
2 enrolled in a plan that covers dependents or is not enrolled in  
3 any plan, the [employer or union shall enroll the] minor child  
4 and the obligor if necessary shall be enrolled under the least  
5 costly plan that provides service to the area where the child  
6 resides if the order or notice for health benefit plan coverage  
7 is not a National Medical Support Notice issued by the division  
8 or IV-D agency of another state. If the notice for health  
9 benefit plan coverage is a National Medical Support Notice issued  
10 by the division or IV-D agency of another state, the health  
11 benefit plan administrator shall provide to the issuing agency  
12 copies of the applicable summary plan descriptions or other  
13 documents that describe available coverage, including the  
14 additional participant contribution necessary to obtain coverage  
15 for the child under each option and whether there is a limited  
16 service area for any option. The issuing agency, in consultation  
17 with the custodial parent, must promptly select from the  
18 available plan options. If the issuing agency does not make such  
19 selection within twenty business days from the date the plan  
20 administrator provided the option, the plan administrator shall  
21 enroll the child in the plan's default option, if any. If the  
22 plan does not have a default option, the plan administrator shall  
23 enroll the child in the option selected by the issuing agency.

24 2. In those instances where the obligor fails or refuses to

1 execute any document necessary to enroll the minor child in the  
2 health benefit plan ordered by the court, the required  
3 information and authorization may be provided by the division or  
4 the custodial parent or guardian of the minor child.

5 3. Information and authorization provided by the division  
6 or the custodial parent or guardian of the minor child shall be  
7 valid for the purpose of meeting enrollment requirements of the  
8 health benefit plan and shall not affect the obligation of the  
9 employer or union and the insurer to enroll the minor child in  
10 the health benefit plan for which other eligibility, enrollment,  
11 underwriting terms and other requirements are met. However, any  
12 health benefit plan provision which denies or restricts coverage  
13 to a minor child of the obligor due to birth out of wedlock shall  
14 be void as against public policy.

15 4. A minor child that an obligor is required to cover as an  
16 eligible dependent pursuant to sections 454.600 to 454.645 shall  
17 be considered for health benefit plan coverage purposes as a  
18 dependent of the obligor until the child's right to parental  
19 support terminates or until further order of the court, but in no  
20 event past the limiting age set forth in the health benefit plan.

21 454.627. When an order for health benefit plan coverage  
22 pursuant to sections 454.600 to 454.645 is in effect, upon  
23 termination of the obligor's employment, or upon termination of  
24 the health benefit plan coverage, the employer, union or health

1 benefit plan administrator, as appropriate, shall make a good  
2 faith effort to notify the obligee, [and] or in IV-D cases, the  
3 division, within ten days of the termination date with notice of  
4 continuation or conversion privileges. In addition, in IV-D  
5 cases, upon termination of the obligor's employment, the employer  
6 shall promptly notify the division or IV-D agency of another  
7 state, as applicable, of the obligor's last known address and the  
8 name and address of the obligor's new employer, if known.

9 454.700. 1. In any case in which a parent is required by a  
10 court or administrative order to provide medical coverage for a  
11 child, under any health benefit plan, as defined in section  
12 454.600, and a parent is eligible through employment, under the  
13 provisions of the federal Comprehensive Omnibus Budget  
14 Reconciliation Act (COBRA) or the provisions of section 376.892,  
15 RSMo, or for health coverage through an insurer or group health  
16 plan, any insurers, including group health plans as defined in  
17 section 607(1) of the federal Employee Retirement Income Security  
18 Act of 1974, offering, issuing, or renewing policies in this  
19 state on or after July 1, 1994, shall:

20 (1) Permit such parent to enroll under such coverage any  
21 such child who is otherwise eligible for such coverage, without  
22 regard to any enrollment season restrictions;

23 (2) Permit enrollment of a child under coverage upon  
24 application by the child's other parent [or by] the division of

1 child support enforcement [or], the division of medical services,  
2 or the tribunal of another state, if the parent required by a  
3 court or administrative order to provide health coverage fails to  
4 make application to obtain coverage for such child;

5 (3) Not disenroll or eliminate coverage of a child unless  
6 [the insurer is provided satisfactory written evidence that]:

7 (a) The insurer is provided satisfactory written evidence  
8 that such court or administrative order is no longer in effect;  
9 or

10 (b) The insurer is provided satisfactory written evidence  
11 that the child is or will be enrolled in comparable health  
12 coverage through another insurer which will take effect no later  
13 than the effective date of the disenrollment; or

14 (c) The employer or union eliminates family health coverage  
15 for all of its employees or members; or

16 (d) Any available continuation coverage is not elected or  
17 the period of such coverage expires.

18 2. In any case in which a parent is required by a court or  
19 administrative order to provide medical coverage for a child,  
20 under any health benefit plan, as defined in section 454.600, and  
21 the parent is eligible for such health coverage through an  
22 employer doing business in Missouri, the employer or union shall:

23 (1) Permit such parent to enroll under such family coverage  
24 any such child who is otherwise eligible for such coverage,

1 without regard to any enrollment season restrictions;

2 (2) Enroll a child under family coverage upon application  
3 by the child's other parent [or by] the division of child  
4 support enforcement [or] the division of medical services, or a  
5 tribunal of another state, if a parent is enrolled but fails to  
6 make application to obtain coverage of such child; and

7 (3) Not disenroll or eliminate coverage of any such child  
8 unless [the employer is provided satisfactory written evidence  
9 that]:

10 (a) The employer or union is provided satisfactory written  
11 evidence that such court or administrative order is no longer in  
12 effect; or

13 (b) The employer or union is provided satisfactory written  
14 evidence that the child is or will be enrolled in comparable  
15 health coverage through another insurer which will take effect  
16 not later than the effective date of such disenrollment; or

17 (c) The employer or union has eliminated family health  
18 coverage for all of its employees or members.

19 3. No insurer may impose any requirements on a state  
20 agency, which has been assigned the rights of an individual  
21 eligible for medical assistance under chapter 208, RSMo, and  
22 covered for health benefits from the insurer, that are different  
23 from requirements applicable to an agent or assignee of any other  
24 individual so covered.

1           4. All insurers shall in any case in which a child has  
2 health coverage through the insurer of a noncustodial parent:

3           (1) Provide such information to the custodial parent or  
4 legal guardian as may be necessary for the child to obtain  
5 benefits through such coverage;

6           (2) Permit the custodial parent or legal guardian, or  
7 provider, with the custodial parent's approval, to submit claims  
8 for covered services without the approval of the noncustodial  
9 parent; and

10          (3) Make payment on claims submitted in accordance with  
11 subdivision (2) of this subsection directly to the parent, the  
12 provider, or the division of medical services.

13          5. The division of medical services may garnish the wages,  
14 salary, or other employment income of, and require withholding  
15 amounts from state tax refunds, pursuant to section 143.783,  
16 RSMo, to any person who:

17          (1) Is required by court or administrative order to provide  
18 coverage of the costs of health services to a child who is  
19 eligible for medical assistance under Medicaid; and

20          (2) Has received payment from a third party for the costs  
21 of such services to such child, but has not used such payment to  
22 reimburse, as appropriate, either the other parent or guardian of  
23 such child or the provider of such services, to the extent  
24 necessary to reimburse the division of medical services for

1 expenditures for such costs under its plan. However, claims for  
2 current or past due child support shall take priority over claims  
3 by the division of medical services.

4 6. The remedies for the collection and enforcement of  
5 medical support established in this section are in addition to  
6 and not in substitution for other remedies provided by law and  
7 apply without regard to when the order was entered.